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Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SS-15 NSCE-00 SCS-06 CA-01 L-03
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TO SECSTATE WASHDC PRIORITY 6158

C O N F I D E N T I A L MANAGUA 1469

E.O. 11652: GDS
TAGS: CARR, PINT, SHUM, NU
SUBJECT: CHARITON SEEKS TO HAVE EMBASSY NEGOTIATE SETTLEMENT

REF: A) MANAGUA 1404, B) MANAGUA 1390, C) MANAGUA 1384, D) MANAGUA 1339

SUMMARY: ARTHUR CHARITON, AMCIT ESCAPEE FROM GON CUSTODY WHO IS CURRENTLY AT EMBASSY, HAS AGREED NOT TO MEET WITH PRESS ON EMBASSY PREMISES. HE ARGUES, INCORRECTLY, THAT EMBASSY IS INVOLVED IN NEGOTIATIONS WITH PRESIDENT SOMOZA'S REPRESENTATIVES TO OBTAIN HIS RELEASE AND COMPLAINS THAT HE IS BEING BLACKMAILED BY THE NICARAGUANS
.
EMBASSY IS SEEKING TO MOVE CAREFULLY THROUGH THE QUAGMIRE THAT THIS LONG-LASTING CASE REPRESENTS BUT MAY BE FORCED TO CHOOSE FROM AMONG SEVERAL UNPLEASANT ALTERNATIVES IF THIS MATTER IS TO BE RESOLVED.
END SUMMARY

1. EMBOFFS INFORMED CHARITON AND HIS LOCAL ATTORNEY, DR. ZELAYA, MARCH 27, THAT VARIOUS US AND NICARAGUAN JOURNALISTS WERE INTERESTED IN REPORTING ON THE CHARITON CASE AND HIS PRESENT STAY IN EMBASSY (REFS B AND C), EMBOFFS URGED THAT CHARITON NOT GRANT ANY INTERVIEWS TO PRESS ON EMBASSY PROPERTY. EMBOFFS STRESSED THAT CHARITON WAS NOT BEING MUZZLED AND THAT HE IS AT ALL TIMES FREE TO LEAVE EMBASSY GROUNDS AND SAY OUTSIDE WHATEVER HE WISHES TO WHOMEVER HE DESIRES. EMBOFFS OPINED , HOWEVER, THAT IT MAY BE IN CHARITON'S BEST
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INTEREST THAT NEITHER HE NOR ZELAYA MAKE ANY STATEMENTS TO PRESS AT PRESENT. ZELAYA SAID HE MIGHT FEEL CONSTRAINED TO SET THE RECORD STRAIGHT IN LIGHT OF ALLEGED DISTORTIONS WHICH SOMOZA-CONNECTED PERSONAGES WERE MAKEING. BOTH AGREED NOT TO MAKE ANY PUBLIC STATEMENTS ON EMBASSY PROPERTY.

2. EMBOFF READ TO THEM PRESS GUIDANCE PROVIDED IN GILLESPIE-WELTER

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TELCON AND INDICATED THAT SUCH GUIDANCE WOULD BE DRAWN FROM, AS APPROPRIATE, IN ANSWERING ANY INQUIRIES RECEIVED LOCALLY. CHARITON TOOK STRONG EXCEPTION TO THE NEGATIVE ANSWER TO ONE OF THE HYPOTHETICAL QUESTIONS IN THAT GUIDANCE, I.E., THE QUESTION ASKING WHETHER THE EMBASSY WAS NEGOTIATING BETWEEN NICARAGUAN AUTHORITIES AND CHARITON'S ATTORNEYS. CHARITON MAINTAINED THAT THE EMBASSY IS IN THE MIDDLE OF NEGOTIATIONS BY VIRTURE OF ITS HAVING SOUGHT FROM BANCO DE CENTROAMERICA PRESIDENT, OSCAR SEVILLA SACASA, THE TERMS OF THE BANK'S MONETARY DEMANDS (REFS A AND D). HE CLAIMED THAT EMBASSY HAD INTERVENED IN THE NEGOTIATING PROCESS WITHOUT HIS KNOWLEDGE OR REQUEST AND IMPLIED THAT THE EMBASSY HAS NO RECOURSE BUT TO STAYI IN THE MIDDLE OF THE NEGOTIATIONS, ESPECIALLY SINCE HE FEELS HE IS BEING BLACKMAILED.

3. WHEN EMBOFFS SOUGHT TO EXPLAIN THATT EMBASSY WAS NOT INVOLVED IN NEGOTIATIONS PER SE BUT HAD SOUGHT TO ESTABLISH THE PARAMETERS OF A POSSIBLE SETTLEMENT OF HIS PREDICAMENT, CHARITON BELLIGERENTLY ASSERTED THAT EMBASSY CANNOT EXTRICATE ITSELF FROM THE NEGOTIATIONS. HE REITERATED HIS CHARGES THAT SOMOZA'S BANK IS BLACKMAILING HIM AND THAT HE CANNOT GET ANY JUSTICE IN THE NICARAGUAN LEGAL SYSTEM. (CHARITON SUBSEQUENTLY APOLOGIZED FOR TAKING A BELLIGERENT TONE.)

4. COMMENT: CHARITON'S EFFORT TO INVOLVE THE EMBASSY FURTHER IN HIS NEGOTIATIONS WITH OSCAR SEVILLA IS UNDERSTANDABLE FROM HIS PERSPECTIVE. NONETHELESS, IN OUR VIEW, ANY DEEPER AND DIRECT EMBASSY INVOLVEMENT IN THIS QUAGMIRE OF INTER-LOCKING SOMOZA PRIVATE AND CONFIDENTIAL

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GOVERNMENTAL INTEREST INCREASES THE LIKELIHOOD OF EMBARRASSMENT FOR THE USG. ON THE ONE HAND, CHARITON FACES CRIMINAL CHARTES AND A CIVIL SUIT FOR DEBT TO SOMOZA'S BANK. ON THE OTHER HAND, THAT BANK CAN ARRANGE TO HAVE THE CRIMINAL CHARGES SET ASIDE, IN EFFECT, AND PERMIT CHARITON TO LEAVE NICARAGUA IF HE SUCCESSFULLY CONDLUDES A MONETARY DEAL WITH THAT BANK. THIS CASE POSES A SERIOUS DILEMMA FOR THE USG. TO RESTRICT OUR INTERVENTION TO PRESSING ONLY FOR APPRPRIATE LEGAL ACTION UNDER NICARAGUAN LAW, AS WOULD BE THE PREFERRED COURSE IN MOST COUNTRIES, IS TO IGNORE NICARAGUAN REALITIES WHEN SOMOZA INTERESTS ARE INVOLVED (REF D). YET TO INVOLVE OURSELVES DIRECTLY IN NEGOTIATIONS WHEREIN THE AGGRIEVED AMERICAN PARTY CONSIDERS HE IS BEING BLACKMAILED AND WHEREIN SOMOZA'S BANKING REPRESENTATIVES WOULD LIKE US TO FEEL BEHOLDEN TO THEM IS PERILOUS. WE WILL SEEK TO TOE A CAREFUL LINE BETWEEN THIS SCYLLA AND CHARYBDIS, RECOGNIZING THAT THERE WILL PROBABLY BE NO CLEAN, EASY SOLUTION TO THIS LONG-LASTING CHARITON AFFAIR, RATHER JUST A CHOICE FROM AMONG UNPLEASANT ALTERNATIVES.
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